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In the Supreme Court of the United States

OCTOBER TERM, 1965

No. 152

STANWOOD A. DEMERS,
PETITIONER,

v.

EDWIN C. BROWN *et al.*,
RESPONDENTS.

PETITION FOR REHEARING OF ORDERS DENYING PETITION FOR WRIT OF CERTIORARI

STANWOOD A. DEMERS,
Pro Se
9 Curson Street
West Warwick, Rhode Island
petitioner
J. JOSEPH NUGENT, ESQ.
Attorney General for R. I.
for respondents

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A. The petitioner, plaintiff, Stanwood A. Demers of West Greenwich, Rhode Island, pursuant to Rule 58 of this court, as attorney pro se, submits the following grounds in seeking review of the order of this court entered on October 11, 1965 to deny petition for writ of certiorari

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B. Grounds seeking review:

The judgment by the Rhode Island State Supreme Court —the basis of action by that court; the Federal District Court for the First District and the Federal Circuit Court

of Appeals for the First Circuit—to deny petitioner relief from commercial practices of the Rhode Island Public Schools, complained of through all tribunals, is in error and therefore unjustly denies petitioner of relief by due process of law.

C. Facts in support of grounds:

The question, adversely answered in the Rhode Island State Supreme Court by the Honorable Justice Roberts (201 Atlanta 2nd, 477) which is the basis in all tribunals to deny petitioner of justifiable relief, is that I am not an aggrieved person/ I have no cause of complaint. The written opinion by Justice Roberts supports the decision, that petitioner is not an aggrieved person under pertinent statutes, by citing a decision of that court, *Appeal of Gardiner*, 4 R.I. 602; but if more recent cases in that court are examined it is found that the word "aggrieved" and the requirements for a person to be so considered are more clearly defined. In the case of *Joseph E. McKeon et al.* v. *Warwick School Committee*, August 9, 1950—Rhode Island #77 pg. 421—Justice E. W. Flynn said, "Held, that word "aggrieved" supposes a wrong growing out of some infraction of the law of which complaint may be made, and unless there is an infraction of the law or some action by committee in excess of powers granted to committee under school law or *general law*, there is no litigated question of right to form the basis of an appeal under statute G.L. 1938, c. 199, Sec. 2." It is established therefore, that when a taxpayer in the state lodges a formal complaint against a school committee in the state with grounds that said school committee's actions are in violation of state *general laws* of that state and in violation of the Federal Constitution, it can not be determined that said complainant is not aggrieved or lacks cause of complaint until the case is judged upon its merits

and the judicial decision is that the actions complained of are not in excess of the authority of the school committee or violate school law or *general law.* In the case before you, the grounds for seeking remedy and relief are clearly defined in the proceedings of all tribunals as being violations of specific *general law* by the school committee and the State Board of Education by allowing and approving the sale of specific articles in the public schools and in violation of the constitution in allowing the sale of specific services of private individuals to pupils in the public schools (COMPLAINT — Brief of plaintiff filed in Circuit Court of Appeals, pg. 5) both of which any citizen of the state and the United States of America has not only the right to complain of, but a duty.

I consider my rights to equal enforcement and protection of the laws of this state and the nation to be inalienable and the statement by Justice Roberts in the opinion, "—petitioner conceded in oral argument before this court that he was making no claim of rights violated by the decision of the committee and that he sought only to bar practices in the public school premises which in his opinion violated the pertinent provisons of Statute 16-38-6", is not only in error by misquotation and improper context but as no citizen can concede, suspend, or transfer by statement alone, rights conveyed to him by the constitution, this decision is without merit.

D. Facts to support that the grounds for review herein stated are substantial:

1. If the disposition of this case remains unaltered, no one can be protected from investing thousands of dollars and years of his life to establish a business under free enterprise, such as I have done, to provide a service and a product to the public

with a fair return on his investment and then have the state or a state agency engage in the same business or promote the business of a competitor to such a degree that competition under free enterprise becomes impossible and the investment of labor and money is lost.

2. A citizen in business is caused by law to support a public institution with tax money and with no forewarning finds himself in direct competition with this same institution.
3. As a licensed retail business in this state I am directed by law to collect a retail sales tax on articles I sell and although the same articles are sold in the public schools for the same use, this tax is not charged to the pupils in the school which makes the purchases in my store higher priced and to the pupils as customers a price that is unreasonable. Although I have raised this issue with the State Tax Administrator, this agency has made no effort in three years to resolve this inequitable procedure.
4. I have presented proposals to our State Constitutional Convention as a qualified elector and have recently attended a hearing of the personal liberties committee to give oral testimony upon the proposals I have submitted to clearly state in writing in our state constitution — "To prohibit the use of public buildings for private commercial purposes, the use of public funds for private purposes and prohibit the state from engaging in private commercial business." The disposition of this case may affect the decision of this committee as well as this constitutional convention in the area designated by the unresolved issues.

5. It is evident by the lack of reply by respondents to the petition for writ of certiorari presented to this court that they also desire answers to the questions presented, equitable action on the issues and an authoritative clarification of law that will guide policy to restrain the increasing commercial activities in the public schools of various articles and services.

Prayer

Petitioner herein prays this honorable court will, in the interest of justice, remand this case back to the Rhode Island State Supreme Court for further proceedings in conformity with the opinion of this court with respect to plaintiff's cause of action.

STANWOOD A. DEMERS
Attorney Pro Se.
9 Curson Street
West Warwick,
Rhode Island

Certificate

I, Stanwood A. Demers as attorney pro se, certify that this petition is presented in good faith and not for purposes of delay and further certify that said petition is restricted to the grounds specified.

STANWOOD A. DEMERS